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NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PATRICK L. RICHARDSON, ) No. C 09-03344 JF (PR)  
Petitioner, ) ORDER DENYING REQUEST FOR  
vs. ) CERTIFICATE OF APPEALABILITY  
JAMES WALKER, )  
Respondent. )

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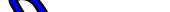
Petitioner, a California prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state conviction. On December 9, 2009, the Court dismissed the petition as a second or successive petition. (See Docket No 10.) Petitioner has filed a notice of appeal which the Court construes as a request for a certificate of appealability, (Docket No. 12).

Petitioner has not shown “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” Slack v. McDaniel, 529 U.S. 473, 484 (2000). Accordingly, the request for a certificate of appealability is DENIED.

1           The Clerk shall forward this order, along with the case file, to the United  
2           States Court of Appeals for the Ninth Circuit, from which Petitioner may also seek a  
3           certificate of appealability. See United States v. Asrar, 116 F.3d 1268, 1270 (9th  
4           Cir. 1997).

IT IS SO ORDERED.

DATED: 4/29/10

  
JEREMY FOGEL  
United States District Judge

# United States District Court

For the Northern District of California

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

PATRICK L. RICHARDSON,

Case Number: CV09-03344 JF

Petitioner,

**CERTIFICATE OF SERVICE**

v.

JAMES WALKER, Warden,

Respondent.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 4/30/10, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Patrick L. Richardson H-59962  
California State Prison-Folsom (New)  
P.O. Box 290066  
FB-5-215  
Represa, CA 95671

Dated: 4/30/10

Richard W. Wieking, Clerk